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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/675,067
Filing Date: September 30, 2003
Appellant(s): LAGNO ET AL.

Jason Paul Demont
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed October 02, 2007 appealing from the Office action mailed February 02, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

US 2005/0070303	LAGNO ET AL.	03/2005
US 2002/0035699	CROSBIE	03/2002
US 2004/0147254	REDDY ET AL.	07/2004

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

The following is a repetition of the rejection found in Final Office Action mailed February 23, 2006.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 6, 8-12, 16, 18-21, 25-27, 30-35, 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crosbie, Pub. No. US 2002/0035699 in view of Applicant admitted prior art (Admission) (US 2005/0070303).

Regarding claim 1, Crosbie discloses a method comprising: determining that a first wireless terminal at a location can communicate with a second wireless terminal with a level of service (i.e., determining a user service level associated with the device based on the device identifier and based on a load level for the first wireless local area network in comparison to the load levels associated with each of the other wireless local area networks available for connection by the device) (see page 2, paragraph 16).

Although Crosbie discloses a method wherein a wireless local area network directs a device to establish a connection (inherent transmission of an indication), Crosbie does not specifically disclose a method comprising transmitting to a third wireless terminal an indication

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that said third wireless terminal should be able to communicate with said second wireless terminal with said level of service at said location.

However, Admission discloses a method comprising a third wireless terminal being informed (inherent transmission of an indication) that it should be able to communicate with a second wireless network (i.e., WLAN hotspot or access points) (see page 1, paragraphs 9-11).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine to combine the teachings as disclosed by the admission with the teachings as described by Crosbie to arrive at the claimed invention in order to provide to the device access to a better level of service (see page 2, paragraph 16).

Regarding claims 2 and 27, Crosbie discloses a method and apparatus (see claims 1 and 26 rejections) wherein a first wireless terminal and a third wireless terminal are different (see Crosbie page 2, paragraph 16. Also refer to Admission, figs. 1-2, and page 1, paragraphs 7-10)..

Regarding claims 6, 16, 25, 30, and 39, Crosbie discloses a method as described above (see claims 1, 9, 26, and 32 rejections).

Although Crosbie discloses a method as described, Crosbie does not specifically disclose a method wherein the level of service is in terms of at least one of throughput, error rate, and latency.

However, Admission discloses a method wherein the level of service is measured in terms of throughput, error rate, and latency.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described to arrive at the claimed invention. A motivation

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for doing so would to ensure the proper determination of a device as related to being able to communicate with another terminal.

Regarding claims 8 and 31, Crosbie discloses a method and apparatus (see claims 1 and 26 rejections) wherein said second wireless terminal is an IEEE 802.11 access point (i.e., Wireless LAN access points) (see paragraphs 4, and 16).

Regarding claim 9, Crosbie discloses a method comprising receiving from a first wireless terminal a measurement of a characteristic of an electromagnetic signal radiated by a source (i.e., comparing load (i.e., signal) levels of a first wireless local area network to the load levels associated with other available services) (see page 2, paragraph 16), wherein said measurement is associated with a location (i.e., the comparison is associated with a first wireless local area network located in one area with other wireless local area network located in other areas) (see paragraphs 12, 16 and 34).

Although Crosbie discloses a method comprising directing the mobile device to another WLAN (see paragraph 16), Crosbie does not specifically disclose a method comprising transmitting to a second wireless terminal an indication that said second wireless terminal should be able to receive at said location said electromagnetic signal with said measurement exceeding a threshold.

However, Admission discloses a method comprising transmitting to a second wireless terminal an indication that said second wireless terminal should be able to receive at said location said electromagnetic signal (i.e., wireless terminal being informed (inherent transmission of an indication) that it should be able to communicate with a second wireless network) (see page 1, paragraphs 9-11). Thus, one skilled in the art would unhesitatingly

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conceptualize that for the terminal to be indicated of the region with a better service, the level of service in that region has to inherently be above any specified or predetermined threshold.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine to combine the teachings as disclosed by the admission with the teachings as described by Crosbie to arrive at the claimed invention in order to provide to the device access to a better level of service (see page 2, paragraph 16).

Regarding claims 10 and 33, Crosbie discloses a method and apparatus (see claims 9 and 32 rejections) wherein a first wireless terminal and a second wireless terminal are different (see Crosbie page 2, paragraph 16. Also refer to Admission, figs. 1-2, and page 1, paragraphs 7-10).

Regarding claims 11, 20, and 34, Crosbie discloses a method (see claims 9, 18 and 32 rejections) wherein said electromagnetic signal conveys a data block (i.e., packets are directed to and from devices) (see paragraph 4).

Regarding claims 12 and 35, Crosbie discloses a method and apparatus (see claim 11 and 34 rejections) wherein said source is an IEEE 802.11 access point (i.e., Wireless LAN access points) (see paragraphs 4, and 16) and said data block constitutes a beacon frame (i.e., packet inherently constitute frame) (see paragraph 4).

Regarding claim 18, Crosbie discloses a method comprising; determining that a measurement of a characteristic of a first electromagnetic signal transmitted by said first wireless terminal (i.e., comparing load (i.e., signal) levels of a first wireless local area network to the load levels associated with other available services) (see page 2, paragraph 16).

Although Crosbie discloses a WLAN (i.e., access point) which receives signals transmitted by a device (i.e., packets are directed to and from devices) (see paragraph 4) and

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comprising directing the mobile device to another WLAN (see paragraph 16), Crosbie does not disclose a method comprising receiving a location; and transmitting to a second wireless terminal an indication that said second terminal should be able to communicate at said location with an access point such that said access point receives a second electromagnetic signal transmitted by said second wireless terminal with said measurement exceeding said threshold.

However, Admission discloses a method comprising receiving location information (i.e., receiving information regarding the availability of the other region with capable level of service when the device is informed of inadequate level of service within the current region) (see paragraphs 9-11), and transmitting to a second wireless terminal an indication that said second wireless terminal should be able to receive at said location said electromagnetic signal (i.e., wireless terminal being informed (inherent transmission of an indication) that it should be able to communicate with a second wireless network) (see page 1, paragraphs 9-11). Thus, one skilled in the art would unhesitatingly conceptualize that for the terminal to be indicated of the region with a better service, the level of service in that region has to inherently be above any specified or predetermined threshold.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine to combine the teachings as disclosed by the admission with the teachings as described by Crosbie to arrive at the claimed invention in order to provide to the device access to a better level of service (see page 2, paragraph 16).

Regarding claim 19, Crosbie discloses a method (see claim 18 rejection) wherein a first wireless terminal and a second wireless terminal are different (see Crosbie page 2, paragraph 16. Also refer to Admission, figs. 1-2, and page 1, paragraphs 7-10).

Regarding claim 21, Crosbie discloses a method (see claim 18 rejection) wherein the access point performs measuring the characteristic (i.e., Crosbie discloses determining a user service level associated with the device based on a load level for the wireless local area network in comparison to the load levels associated with other wireless network. Thus, one skilled in the network would immediately envision that the WLAN performs a measurement of their load levels so that that measurement could be compared with other WLAN) (see page 2, paragraph 16).

Regarding claim 26, Crosbie discloses an apparatus comprising a processor (i.e., Crosbie discloses a wireless device which inherently comprises of a processor) for determining that a first wireless terminal at a location can communicate with a second wireless terminal with a level of service (i.e., determining a user service level associated with the device based on the device identifier and based on a load level for the first wireless local area network in comparison to the load levels associated with each of the other wireless local area networks available for connection by the device) (see page 2, paragraph 16).

Although Crosbie discloses an apparatus wherein a wireless local area network directs a device to establish a connection (inherent transmission of an indication), Crosbie does not specifically disclose an apparatus comprising a transmitter for transmitting to a third wireless terminal an indication that said third wireless terminal should be able to communicate with said second wireless terminal with said level of service at said location.

However, Admission discloses an apparatus comprising a third wireless terminal being informed (inherent transmission of an indication) that it should be able to communicate with a second wireless network (i.e., WLAN hotspot or access points) (see page 1, paragraphs 9-11).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as disclosed by the admission with the teachings as described by Crosbie to arrive at the claimed invention in order to provide to the device access to a better level of service (see page 2, paragraph 16).

Regarding claim 32, Crosbie discloses an apparatus comprising a receiver (i.e., Crosbie discloses a wireless device which inherently comprises of a receiver) (see paragraph 16) for receiving from a first wireless terminal a measurement of a characteristic of an electromagnetic signal radiated by a source (i.e., comparing load (i.e., signal) levels of a first wireless local area network to the load levels associated with other available services) (see page 2, paragraph 16), wherein said measurement is associated with a location (i.e., the comparison is associated with a first wireless local area network located in one area with other wireless local area network located in other areas) (see paragraphs 12, 16 and 34).

Although Crosbie discloses an apparatus comprising directing the mobile device to another WLAN (see paragraph 16) (and inherently comprising of a transmitter), Crosbie does not specifically disclose an apparatus comprising a transmitter for transmitting to a second wireless terminal an indication that said second wireless terminal should be able to receive at said location said electromagnetic signal with said measurement exceeding a threshold.

However, Admission discloses an apparatus comprising transmitting to a second wireless terminal an indication that said second wireless terminal should be able to receive at said location said electromagnetic signal (i.e., wireless terminal being informed (inherent transmission of an indication) that it should be able to communicate with a second wireless network) (see page 1, paragraphs 9-11). Thus, one skilled in the art would unhesitatingly

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conceptualize that for the terminal to be indicated of the region with a better service, the level of service in that region has to inherently be above any specified or predetermined threshold.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine to combine the teachings as disclosed by the admission with the teachings as described by Crosbie to arrive at the claimed invention in order to provide to the device access to a better level of service (see page 2, paragraph 16).

4. Claims 3-5, 7, 13-15, 17, 22-24, 28-29, 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crosbie and Applicant admitted prior art (Admission), in further view of Reddy et al. (Reddy), Pub. No. US 2004/0147254.

Regarding claims 3-5, 14, 23, 28-29, and 37, Crosbie and Admission disclose a method as described above (see claims 1, 13, 22, and 36 rejection).

Although the combination discloses a method comprising transmitting an indication to the wireless terminal, the combination does not specifically disclose displaying the indication in form of a graphical map, wherein the graphical map portrays the location), and wherein the third wireless terminal (second terminal, as related to claim 14) performs displaying the indication.

However, Reddy discloses a method wherein the mobile unit is equipped with a map display, and comprising using relative position data to display hot spot areas relative to the estimated mobile unit location and relocating the mobile unit to preferred communication area based on the relative position data (see page 5, claim 13). Thus, the device would receive an indication of available hotspot, as related to its level of service, and display the location of the hotspot in the form of a map, wherein the device could be any device (a first device, a second device, a third device) searching for a better access to a hotspot.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to implement the characteristics of Reddy device with the teachings as described by the Crosbie and Admission to arrive at a device capable. A motivation for doing so would have been to provide to the user the exact location of the hotspot, which would ensure that the device has access to best available service.

Regarding claims 7 and 17, Crosbie and Admission discloses a method as described above (see claims 1 and 9 rejections).

Although Crosbie and Admission discloses a method as described, Crosbie and Admission does not specifically disclose a method wherein said location is determined with Global Positioning System measurements.

However, Reddy discloses a method wherein the location is determined with Global Positioning System measurements (see page 2, paragraph 17).

Therefore, it would have obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described by Reddy with the teachings as described by the combination of Crosbie and Admission to arrive at the claimed invention. A motivation for doing so would have been to obtain the exact location of the hotspot, as related to longitudes and latitude, in order to heighten the display of the location.

Regarding claims 13, 22, and 36, Crosbie discloses a method as described above (see claims 9, 18, and 32 rejections).

Although Crosbie discloses a method as described, Crosbie does not specifically disclose a method wherein said indication constitutes a set of displayable information, wherein said set of displayable information comprises said location.

However, Reddy discloses a method comprising displaying a set of displayable information, wherein the displayable information comprises a location (see page 5, claim 13, and refer to rejection of claims 3-5). Thus, the device would receive an indication of available hotspot, as related to its level of service, and display the location of the hotspot in the form of a map, wherein the device could be any device searching for a better access to a hotspot.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to implement the characteristics of Reddy device with the teachings as described by the Crosbie and Admission to arrive at a device capable. A motivation for doing so would have been to provide to the user the exact location of the hotspot, which would ensure that the device has access to best available service.

Regarding claims 15, 24, and 38, Crosbie discloses a method as described above (see claims 13, 22, and 36 rejections).

Although Crosbie discloses a method as described above, Crosbie does not specifically disclose a method wherein said set of displayable information is in the form of a graphical map, wherein the size of said set of displayable information is dependent on said second wireless terminal.

However, Reddy discloses a method wherein the mobile unit is equipped with a map display, and comprising using relative position data to display hot spot areas relative to the estimated mobile unit location and relocating the mobile unit to preferred communication area based on the relative position data (see page 5, claim 13). Thus, the device would inherently display the information according to its display characteristics, and display the location of the

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hotspot in the form of a map, wherein the device could be any device (a first device, a second device, a third device) searching for a better access to a hotspot.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to implement the characteristics of Reddy device with the teachings as described by the Crosbie and Admission to arrive at a device capable. A motivation for doing so would have been to provide to the user the exact location of the hotspot, which would ensure that the device has access to best available service.

(10) Response to Argument

Appellant argues as related to claim 1 that nowhere does Crosbie or the Applicants' Admitted prior art teach or suggest transmitting to a third wireless terminal an indication that it should be able to communicate with a second wireless terminal with a specific level of service at a specific location. To support this argument, Applicants simply argue that a careful reading of the Applicants' Admitted Prior Art fails to reveal any language that could reasonably be interpreted to substantiate the rejection.

Before, addressing Appellant's argument, Examiner wants to point out that Appellant's argument fails to comply with 37 CFR 1.111(b) because Applicants have not specifically pointed out how the language of the claims patentably distinguishes them from the references.

With respect to Appellant's argument, Examiner respectfully disagrees. Fig. 2 and paragraph 9 of Applicants' Admitted Prior Art (Admission) discloses a wireless terminal 201-1 that is situated within area 102 and, as a result, is able to communicate with wireless terminal 101-4 with the particular level of service associated with area 102. Wireless terminal 201-2,

however, is situated outside of area 102 and, as a result, is not able to communicate with wireless terminal 101-4 with the particular level of service associated with area 102. **Moreover, if wireless terminal 201-2 could move into the region defined by area 102, it could communicate with wireless terminal 101-4 with the particular level of service associated with area 102.**

Applicants' Admitted Prior Art (Admission) discloses that different techniques exist for the purpose of bringing wireless terminals into the proximity of wireless terminal 101-4. In the second technique (paragraph 11) in the prior art, wireless terminal 201-2's user can be informed that i) the level of service is inadequate at his or her present location and that ii) wireless terminal 201-2 should be moved a few feet elsewhere. This task is repeated until the user finds a location with an adequate level of service (see paragraph 11).

Now referring to both fig. 2 and paragraphs 9-11, it is showed an area 102 with a particular level of service. Any terminal that is situated within that area will be able to communicate with each other with the particular level of service associated with area 102. For example, as showed in fig. 2, wireless terminal 201-1 is situated within area 102, and, as a result can communicate with wireless terminal 101-4 with the particular level of service associated with area 102. Therefore, wireless terminal 201-1 has to be able to communicate with the particular level of service associated with area 102 for it to communicate with wireless terminal 101-4.

However, wireless terminal 201-2 is located outside area 102, as a result, is not able to communicate with wireless terminal 101-4 with the particular level of service associated with area 102 (see paragraph 9).

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Admission further discloses that wireless terminal 201-2 can be informed that the level of service is inadequate (**outside of area 101**) at his or her present location. Wireless terminal 201-2 is also being informed where to move to be able to find adequate level of service (**i.e., within area 102**). Therefore, when the wireless terminal 201-2 is within area 102, the wireless terminal 201-2 can communicate with wireless terminal that are within area 102 with the particular level of service associated with that area (paragraph 11). Thus, wireless terminal receives indication (being informed) of adequate (within area 102) and inadequate level (outside the area 102) of service at different locations. And, as disclosed in paragraph 9, when a wireless terminal is situated within area 102, as a result, that wireless terminal can communicate with another wireless terminal that is located within area 102 with the particular level of service associated with area 102. Therefore, when wireless terminal 201-2 being informed of adequate level of service (within area 102) wireless terminal 202-2 can communicate with other wireless terminals situated within area 102 with the level of service associated with area 102.

Appellant also argues that Crosbie and the Applicants' Admitted Prior Art (admission) cannot be combined because the field of endeavor of Crosbie is about load balancing in wireless networks and has nothing whatsoever to do with the quality of radio reception. Furthermore, continues Appellant, the Office combines Crosbie and the Applicants' Admitted Prior Art as a fait accompli without any reasoning to support it.

Examiner respectfully disagrees.

In the rejection as applied to claim 1, Examiner stated the following, "...Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine to combine the teachings as disclosed by the admission with the teachings as described

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by Crosbie to arrive at the claimed invention in order to provide to the device access to a better level of service (see page 2, paragraph 16)".

And referring to Crosbie paragraph 16, as cited above, it is disclosed that if the first WLAN (i.e., a first area) that the mobile device connects to is congested (i.e., inadequate level of service), the gateway server can direct (i.e., inform) the mobile device to another WLAN (i.e., a second area) that should provide a better level of service (i.e., adequate level of service) for the mobile device.

Therefore, appropriate reasoning to combine both arts was given.

In response to Appellant's argument above that Crosbie and the Applicants' Admitted Prior Art (admission) cannot be combined because the field of endeavor of Crosbie is about load balancing in wireless networks and has nothing whatsoever to do with the quality of radio reception, both Admission and Crosbie discloses, in a wireless telecommunication network a mobile wireless terminal that moves from one area to another area.

Also, "In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned." *In re Oetiker*, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992). See also *In re Deminski*, 796 F.2d 436, 230 USPQ 313 (Fed. Cir. 1986); *In re Clay*, 966 F.2d 656, 659, 23 USPQ2d 1058, 1060-61 (Fed. Cir. 1992) ("A reference is reasonably pertinent if, even though it may be in a different field from that of the inventor's endeavor, it is one which, because of the matter with which it deals, logically would have commended itself to an inventor's attention in considering his problem."); *Wang Laboratories Inc. v. Toshiba Corp.*, 993 F.2d 858, 26 USPQ2d 1767 (Fed. Cir. 1993); and

State Contracting & Eng'g Corp. v. Condotte America, Inc., 346 F.3d 1057, 1069, 68 USPQ2d 1481, 1490 (Fed. Cir. 2003) (where the general scope of a reference is outside the pertinent field of endeavor, the reference may be considered analogous art if subject matter disclosed therein is relevant to the particular problem with which the inventor is involved).

As related to Independent claim 9, Appellant argues that nowhere do Crosbie or the Applicants' Admitted Prior Art teach or suggest, namely, "informing a wireless terminal that it should be able to receive the electromagnetic signal with that reception quality at a location." For this reason, continues Appellant, the applicants respectfully submit that the rejection is traversed.

Examiner respectfully disagrees. Examiner wants to point out that Appellant's argument fails to comply with 37 CFR 1.111(b) because Applicants have not specifically pointed out how the language of the claims patentably distinguishes them from the references.

Applicants' Admitted Prior Art discloses that wireless terminal 201-2 can be informed that the level of service (i.e., informing the wireless terminal of electromagnetic signal reception quality at a location) is inadequate (**outside of area 101**) at his or her present location (i.e., informing the wireless terminal of electromagnetic signal reception quality). Wireless terminal 201-2 is also being informed where to move (i.e., informing the wireless terminal of electromagnetic signal reception quality at a location) to be able to find adequate level of service (**i.e., within area 102**).

As related to claim 18, Appellant argues that nowhere do Crosbie or the Applicants' Admitted Prior Art teach or suggest, namely, "informing a wireless terminal that it should be able to receive the electromagnetic signal with that reception quality at a location." For this reason, continues Appellant, the applicants respectfully submit that the rejection is traversed.

Examiner respectfully disagrees. Examiner wants to point out that Appellant's argument fails to comply with 37 CFR 1.111(b) because Applicants have not specifically pointed out how the language of the claims patentably distinguishes them from the references.

Appellant's argument is a repetition of the previous argument as related to claim 9. The response disclosed above also applies, and is reproduced below.

Applicants' Admitted Prior Art discloses that wireless terminal 201-2 can be informed that the level of service (i.e., informing the wireless terminal of electromagnetic signal reception quality at a location) is inadequate (**outside of area 101**) at his or her present location. Wireless terminal 201-2 is also being informed where to move (i.e., informing the wireless terminal of electromagnetic signal reception quality at a location) to be able to find adequate level of service (**i.e., within area 102**).

As related to claim 26, Appellant argues that nowhere do Crosbie or the Applicants' Admitted Prior Art teach or suggest, namely, "a transmitter for informing a wireless terminal that it should be able to receive the electromagnetic signal with that reception quality at a location." For this reason, continues Appellant, the applicants respectfully submit that the rejection is traversed.

Examiner respectfully disagrees. Examiner wants to point out that Appellant's argument fails to comply with 37 CFR 1.111(b) because Applicants have not specifically pointed out how the language of the claims patentably distinguishes them from the references.

Applicants' Admitted Prior Art discloses that wireless terminal 201-2 can be informed (i.e., information is transmitted to the wireless terminal (inherent use of transmitter) that the level of service (i.e., electromagnetic signal reception quality at a location) is inadequate (**outside of**

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area 101) at his or her present location (i.e., informing the wireless terminal of electromagnetic signal reception quality). Wireless terminal 201-2 is also being informed (i.e., information is transmitted to the wireless terminal (inherent use of transmitter) where to move (i.e., informing the wireless terminal of electromagnetic signal reception quality at a location) to be able to find adequate level of service (**i.e., within area 102**).

As related to claim 32, Appellant argues that nowhere do Crosbie or the Applicants' Admitted Prior Art teach or suggest, namely, "a transmitter for informing a wireless terminal that it should be able to receive the electromagnetic signal with that reception quality at a location." For this reason, continues Appellant, the applicants respectfully submit that the rejection is traversed.

Examiner respectfully disagrees. Examiner wants to point out that Appellant's argument fails to comply with 37 CFR 1.111(b) because Applicants have not specifically pointed out how the language of the claims patentably distinguishes them from the references.

Applicants' Admitted Prior Art discloses that wireless terminal 201-2 can be informed (i.e., information is transmitted to the wireless terminal (inherent use of transmitter) that the level of service (i.e., electromagnetic signal reception quality at a location) is inadequate (**outside of area 101**) at his or her present location (i.e., informing the wireless terminal of electromagnetic signal reception quality). Wireless terminal 201-2 is also being informed (i.e., information is transmitted to the wireless terminal (inherent use of transmitter) where to move (i.e., informing the wireless terminal of electromagnetic signal reception quality at a location) to be able to find adequate level of service (**i.e., within area 102**).

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As related to Ground 2 of the Argument section of the brief, No argument is presented. Appellant discloses in Ground 2, that because claims 3-5, 7, 13-15, 17, 22-24, 28-29, and 36-38 each depend on one of independent claims 1, 9, 18, 26, and 32, and because Reddy fails to cure the deficiencies of the Independent claims, the applicants, continues Appellant, submit that the rejection of them is also traversed.

In response, the same response to arguments as applied to Independent claims 1, 9, 18, 26, and 32, also applies.


(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.


Respectfully submitted,


Pierre-Louis Desir


GEORGE ENG
SUPERVISORY PATENT EXAMINER

Conferees:

Joseph Field (SPE)


JOSEPH FIELD
SUPERVISORY PATENT EXAMINER

George Eng (SPE)